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REMARKS

Claims 1-85 are currently pending in the subject application and are presently under consideration.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 23-26 and 34-39 Under 35 U.S.C. §102(b)

Claims 23-26 and 34-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by Robert M. Losee, Jr. (*Minimizing Information Overload: The Ranking of Electronic Messages*). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Losee does not teach each and every element of the subject invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to providing controls and displays for acquiring user preferences for a system and method to automatically classify, prioritize, and present information to a user or system in a preferred format, location, and time. The applicants' claimed invention can determine the cost of not reviewing a message and the cost of reviewing a message, and then compare these costs to determine if a notification of the message should be presented to a user. In particular, independent claim 23 recites *determining an expected loss of non-review of the message at a current time based at least on the message priority and an expected rate of lost opportunity for the user resulting from non-review of the message as a function of time*. Losee does not teach or suggest the aforementioned novel aspects of applicants' invention as recited in the subject claim. Losee teaches a system for ranking messages that determines the expected cost of not selecting a message for review. However, contrary to assertions in the

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Office Action, Losee fails to disclose that the expected cost is based on non-review as a function of time. The section of prior art referenced in the Office Action describes a decision criteria for determining if a message should be examined that is based on the cost of not reviewing a message exceeding the cost of reviewing a message. Losee teaches that the cost of rejecting a message is based on the cost of non-review for given a relevance class(priority). The cited art fails to include a factor for time in the cost determination. The applicants' claimed invention teaches a rate of lost opportunity, which is a cost per unit of time that can be linear or non-linear. Therefore, Losee fails to teach or suggest determining an expected loss of non-review of the message at a current time based at least on ... an expected rate of lost opportunity for the user resulting from non-review of the message as a function of time.

Accordingly, applicants' representative respectfully submits that Losee fails to teach or suggest all limitations of applicants' invention as recited in independent claim 23 (and claims 24-26 and 34-39 that depend there from), and thus fails to anticipate the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn.

II. Rejection of Claims 1-10 and 40 Under 35 U.S.C. §103(a)

Claims 1-10 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1), Anderlind *et al.*, (US 6,781,972 B1), Wright *et al.*, (US 6,078,568 A), and Cooper *et al.*, (US 6,757,362 A). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, Anderlind *et al.* Wright *et al.*, and Cooper *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of

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success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Independent claim 1 (and similarly independent claim 40) recites *one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more inputs includes at least one or more user preferences for assigning a priority value to a voice message based at least in part on acoustical properties of the voice message*. Applicants' claimed invention can examine acoustical properties of the voice message, such as pitch, rate, inflections, etc. in making a determination of the priority to assign to the message. As conceded in the Office Action, Smith *et al.* fails to teach assigning a priority value based on acoustical properties of the voice message. Contrary to assertions in the Office Action, Badt *et al.* also fails to teach or suggest this novel feature. The section of prior art cited states that voice recognition is used to identify the caller. The system then determines where in the hierarchical organization the caller is positioned. The priority is then assigned based on the caller's level within the organization. Badt *et al.* does not disclose that the priority is based on acoustical properties of the voice message. Furthermore, Anderlind *et al.* Wright *et al.*, and Cooper *et al.* are silent regarding employing acoustical properties of voice messages to assign priority. Anderlind *et al.* teaches a system and method creating profiles to control delivery of messages to a mobile communications device. Anderlind *et al.* teaches controlling of message priority, however, Anderlind *et al.* fails to teach or suggest that priority for a voice message is based upon the acoustical properties of a voice message. Wright, *et al.* teaches a system for managing data packets on a communication network and does not discuss assignment of message priority. Cooper, *et al.* teaches a system for inputting and receiving information such as e-mail and news by speech. Cooper, *et al.* teaches analysis of acoustical properties of the speech of a user that is retrieving messages for the purpose of identifying the emotional state of the user, so that adjustments can be made in the system voice prompts to be more in line with the user's emotional state. Cooper, *et al.* does not teach or suggest analyzing acoustical properties of messages that the user is receiving or sending. Furthermore, Cooper, *et al.* does not teach or suggest a system for assigning priorities to messages and therefore also fails to teach or suggest using an acoustical analysis to assign priorities to voice messages. There is no suggestion in any of the cited art for assignment of priority based on acoustical properties of a voice message.

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In view of the foregoing, applicants' representative respectfully submits that Smith *et al.*, Badt *et al.*, Anderlind *et al.*, Wright *et al.*, and Cooper *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claims 1 and 40 (and claims 2-10 that depend there from), and thus fails to make obvious the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn.

III. Rejection of Claims 1 and 11 Under 35 U.S.C. §103(a)

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1) and Matthew Marx (CLUES: Dynamic Personalized Message Filtering), hereinafter referred as Marx. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, and Marx, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention. As noted *supra*, Smith, *et al.* and Badt *et al.* do not teach or suggest each and every element of the subject invention as recited in independent claim 1, and Marx fails to make up for the aforementioned deficiencies of Smith, *et al.* and Badt *et al.* Marx teaches a prioritization system for e-mail and phone calls based on rules that are automatically generated by the system. However, Marx fails to teach or suggest that priority for a voice message is based upon the acoustical properties of a voice message.

Accordingly, applicants' representative respectfully submits that Smith, *et al.*, Badt *et al.* and Marx, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 1 (and claim 11 that depends there from). Therefore, it is readily apparent that this rejection should be withdrawn.

IV. Rejection of Claims 1, 12, 13 and 19-22 Under 35 U.S.C. §103(a)

Claims 1, 12, 13 and 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1), Eggleston *et al.* (US 6,101,531 A), and Wright *et al.*, (US 6,078,568 A). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, and Eggleston *et al.* and Wright *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention. As discussed above, Smith, *et al.*, Badt *et al.*, and Wright *et al.* do not teach or suggest each and every element of the subject invention as

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recited in independent claim 1, and Eggleston *et al.* fails to make up for the aforementioned deficiencies of Smith, *et al.*, Badt *et al.*, and Wright *et al.* Eggleston, *et al.* teaches a system and method for prioritizing e-mail to be downloaded from a server to a local machine. However, Eggleston, *et al.* is strictly concerned with e-mail and therefore fails to teach or suggest that priority for a voice message is based upon the acoustical properties of a voice message.

Accordingly, applicants' representative respectfully submits that Smith *et al.*, Badt *et al.*, and Eggleston *et al.* and Wright *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 1 (and claim 12, 13, and 19-22 that depend there from). Therefore, it is readily apparent that this rejection should be withdrawn.

V. Rejection of Claims 1 and 14 Under 35 U.S.C. §103(a)

Claims 1 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1) and Jonathan Isaac Helfman *et al.* (Ishmail: Immediate Identification of Important Information). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, and Helfman *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention. As noted *supra*, Smith, *et al.* and Badt *et al.* do not teach or suggest each and every element of the subject invention as recited in independent claim 1, and Helfman *et al.* fails to make up for the aforementioned deficiencies of Smith, *et al.* and Badt *et al.* Helfman, *et al.* teaches a prioritization system for e-mail based upon keyword based filter rules. However, Helfman, *et al.* is also strictly concerned with e-mail and therefore fails to teach or suggest that priority for a voice message is based upon the acoustical properties of a voice message.

Accordingly, applicants' representative respectfully submits that Smith, *et al.*, Badt *et al.* and Helfman *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 1 (and claim 14 that depends there from). Therefore, it is readily apparent that this rejection should be withdrawn.

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VI. Rejection of Claims 1 and 15-18 Under 35 U.S.C. §103(a)

Claims 1 and 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1) and Jonathan Isaac Abu-Hakima (US 6,499,021 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, and Abu-Hakima, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention. As discussed above, Smith, *et al.* and Badt *et al.* do not teach or suggest each and every element of the subject invention as recited in independent claim 1, and Abu-Hakima fails to make up for the aforementioned deficiencies of Smith, *et al.* and Badt *et al.* Abu-Hakima teaches a system prioritizing messages from various sources, such as e-mail, fax, phone, etc. based on attributes of the message and then forwarding messages to a user based on the priority. However, Abu-Hakima fails to teach or suggest that one of those attributes is the acoustical properties of a voice message. Therefore, Abu-Hakima fails to teach or suggest wherein a voice message is assigned a priority based at least in part on acoustical properties of the voice message.

Accordingly, applicants' representative respectfully submits that Smith, *et al.*, Badt *et al.* and Abu-Hakima, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 1 (and claims 15-18 that depend there from). Therefore, it is readily apparent that this rejection should be withdrawn.

VII. Rejection of Claims 27-33 Under 35 U.S.C. §103(a)

Claims 27-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robert M. Losee, Jr. (Minimizing Information Overload: The Ranking of Electronic Messages) as applied to claim 23 above, and further in view of Eggleston *et al.* (US 6,101,531 A). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Losee in further view of Eggleston fails to teach or suggest each and every limitation of applicants' claimed invention.

The subject claims depend from independent claim 23. As noted *supra*, Losee does not teach or suggest each and every element of the subject invention as recited in independent claim 23, and Eggleston fails to make up for the aforementioned deficiencies of Losee. Eggleston, *et al.* does not teach or suggest any cost benefit analysis associated with message review, and therefore fails to teach or suggest determining an expected loss of non-review of the message at a

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current time based at least on ... an expected rate of lost opportunity for the user resulting from non-review of the message as a function of time.

Accordingly, applicants' representative respectfully submits that Losee and Eggleston, *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in claims 27-33. Therefore, it is readily apparent that this rejection should be withdrawn.

VIII. Rejection of Claims 41-54 Under 35 U.S.C. §103(a)

Claims 41-54 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Juha Takkinen (CAFE: A Conceptual Model for Managing Information in Electronic Mail) in view of Badt *et al.*, (US 6,542,868 B1) and Jonathan Isaac Abu-Hakima (US 6,499,021 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Takkinen, Badt *et al.*, and Abu-Hakima, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 41 recites *wherein a voice message is assigned a priority value based at least in part on acoustical properties of the voice message*. As discussed above, Abu-Hakima and Badt *et al.* do not teach or suggest assigning a priority value based at least in part on acoustical properties of the voice message, and Abu-Hakima fails to make up for this deficiency of Abu-Hakima and Badt *et al.* Takkinen teaches a categorization system for e-mail that has three user modes of operation employing three different categorization techniques based upon how busy the user indicates they are currently. However, Takkinen is strictly concerned with e-mail and therefore fails to teach or suggest that the categorization techniques take into account acoustical properties of voice messages in determining a priority.

Accordingly, applicants' representative respectfully submits that Takkinen, Badt *et al.*, and Abu-Hakima, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 41 (and claims 42-51 that depend there from), and thus fails to make obvious the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn.

IX. Rejection of Claims 55-85 Under 35 U.S.C. §103(a)

Claims 55-85 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jonathan Isaac Abu-Hakima (US 6,499,021 B1) in view of Badt *et al.*, (US 6,542,868 B1),

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Wright *et al.*, (US 6,078,568 A), and Eggleston, *et al.* (US 6,101,531 A). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Abu-Hakima, Badt *et al.*, Wright *et al.*, and Eggleston, *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 55 (and similarly recited in independent claim 78) recites *wherein a voice message is assigned a priority based at least in part on acoustical properties of the voice message*. As noted *supra*, Abu-Hakima, Badt *et al.*, Wright *et al.*, and Eggleston, *et al.*, do not teach or suggest assigning a priority value based at least in part on acoustical properties of the voice message. Accordingly, applicants' representative respectfully submits that Abu-Hakima, Badt *et al.*, Wright *et al.*, and Eggleston, *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claims 55 and 78 (and claims 56-77, and 79-85 that depend therefrom), and thus fails to make obvious the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn

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The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP225USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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